

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

In the Matter of  
  
TAMMY AND ERIC LIEBERMAN,  
  
Plaintiffs,  
  
v.  
  
CARNIVAL CRUISE LINES, et al.,  
  
Defendants.

Civil Action No.: 13-4716 (JLL)

**ORDER**

**LINARES**, District Judge.

This matter comes before the Court by way of Defendant Carnival Cruise Lines (“Defendant”)’s motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), 12(b)(3) and 12(b)(6). [Docket Entry No. 17]. This Court referred Plaintiff’s motion to the Honorable Joseph A. Dickson, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (b)(1)(A). Magistrate Judge Dickson filed a Report and Recommendation on April 28, 2014 in which he recommended that Defendant’s motions to dismiss be characterized as a motion to transfer to the Southern District of Florida pursuant to 28 U.S.C. § 1404(a), and that the motion to transfer should be denied. [Docket Entry No. 25]. On May 12, 2014, Defendants filed an Objection to Magistrate Judge Dickson’s Report and Recommendation. [Docket Entry No. 26]. The Court decides this matter without oral argument pursuant to Federal Rule of Civil


Procedure 78. For the reasons set forth in this Court's corresponding Opinion,

**IT IS** on this 6<sup>th</sup> day of August, 2014,

**ORDERED** that the Report and Recommendation of Magistrate Judge Dickson, filed on April 28, 2014 [Docket Entry No. 25], is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; and it is further

**ORDERED** that defendants' motion to dismiss or transfer [Docket Entry No. 17] is **denied**.

**IT IS SO ORDERED.**

  
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Jose L. Linares  
United States District Judge